

Law Office of William F. Horn

188-01B 71st Crescent
Fresh Meadows, New York 11365
Telephone: (718) 785-0543
Facsimile: (866) 596-9003
bill@wfhlegal.com

May 10, 2010

Hon. Roslynn R. Mauskopf, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: *George Fahme, et al. v. United Collection Bureau, Inc.*
U.S. District Court, E.D.N.Y. Case No. 1:10-cv-01854-RRM-RER

Dear Judge Mauskopf:

I am co-counsel for the Plaintiffs named in a pending civil action, which is styled as *Joann Gravina, et al. v. United Collection Bureau, Inc., et al.*, E.D.N.Y. Case. No.: 2:09-cv-04816-LDW-AKT ("Gravina Lawsuit"). I am corresponding herein in compliance with Your Honor's Amended Rules, No. III.A.2. Pursuant thereto, the Plaintiffs request a pre-motion conference in connection with their desire to file a Motion to Intervene under Fed. R. Civ. P. 24(a) and Fed. R. Civ. P. 24(b).

I believe that the Gravina Lawsuit is related to the referenced lawsuit and that the two cases should be consolidated for the economies of the Court and the parties. In the interest of brevity, I direct Your Honor's attention to the attached Notice of Related Case, which I filed in the Gravina Lawsuit this morning, as it explains the factual basis underpinning my herein request.

The referenced lawsuit was filed on April 26, 2010, and seeks to certify a New York class. By contrast, the Gravina Lawsuit was filed on November 5, 2009, and seeks to certify a national class. One of my clients, Joann Gravina, is a New York consumer and, therefore, a putative class member in the referenced case. I am concerned that Ms. Gravina's legal claims could be negatively impacted by the outcome of the referenced lawsuit unless the two cases are consolidated.

Consequently, I respectfully request that Your Honor schedule a conference to discuss the propriety of granting leave to file a Motion to Intervene under Fed. R. Civ. P. 24(a) and Fed. R. Civ. P. 24(b) in the event the Court is not inclined to consolidate the referenced with the referenced case with the Gravina Lawsuit.

Respectfully submitted,

s/William F. Horn

William F. Horn

via ECF Filing Only

cc: All Counsel of Record *via ECF Filing*
Barry Jacobs *via e-mail only*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JOANN GRAVINA, an individual; ANTHONY
FELIX, an individual; on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs.

UNITED COLLECTION BUREAU, INC., an
Ohio Corporation; and JOHN AND JANE
DOES NUMBERS 1 THROUGH 25,

Defendants.

CASE NO.: 2:09-cv-04816-LDW-AKT

**NOTICE OF RELATED CASE AND
REQUEST FOR CONSOLIDATION**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that, pursuant to Local Civil Rule 1.6(a), notice is hereby given that this action is related to the following pending civil case: *George Fahme, et al. v. United Collection Bureau, Inc.*, U.S. Dist. Court, E.D.N.Y. Case No. 1:10-cv-01854-RRM-RER (“Fahme Lawsuit”). Plaintiffs believe that the following facts are relevant to a determination that this action and the Fahme Lawsuit should be consolidated and heard by the same judge, in order to avoid unnecessary duplication of judicial effort:

- (1) The Defendant, UNITED COLLECTION BUREAU, INC. (“UCB”), is the sole defendant named in both cases.
- (2) Both cases are styled as class actions. The Fahme Lawsuit seeks to certify a class of consumers from only the State of New York, whereas this action seeks to certify a class of consumers from all 50 states, including the State of New York.
- (3) Both cases involve the same factual predicate. Specifically, that UCB has a policy and practice of leaving telephonic voice messages for consumers, which uniformly failed to: (1) provide meaningful disclosure of UCB’s identity as the caller; (2) identify UCB as a debt collector; and (3) disclose that the purpose of the communication was an attempt to collect a debt.

- (4) Both cases involve the same legal issues. Specifically, that UCB's telephone messages, as alleged, violate 15 U.S.C. § 1692e(11).
- (5) Plaintiffs' lawsuit, however, also seeks to certify a sub-class of California residents for UCB's violations of Cal. Civ. Code §§ 1788.11(b) and 1788.17, which concomitant state law claims are based upon the same predicate facts and legal theories.
- (6) Both cases seek to certify a class based upon UCB's conduct of leaving telephone messages, which violate 15 U.S.C. § 1692e(11).

The Plaintiffs believe that their action and the Fahme Lawsuit should be consolidated into a single case, as both cases concern the same Defendant, factual predicate, and legal issues. Additionally, both cases are styled as class actions and each could potentially impact the right of the parties in the other case. Accordingly, Plaintiffs intend to seek a pre-motion conference with the Honorable Roslynn R. Mauskopf, who is the judge assigned to the Fahme Lawsuit, in an effort to protect their legal claims.

In light of the foregoing, the Plaintiffs believe that consolidation of this action with the Fahme Lawsuit would eliminate duplication of effort and resources of the parties and the Court eliminate the multiplication of proceedings, and thereby save substantial judicial effort and other economies.

DATED: Fresh Meadows, New York
May 10, 2010

s/ William F. Horn

WILLIAM F. HORN, ESQ. (WH-1070)
Law Office of William F. Horn
188-01B 71st Crescent
Fresh Meadows, NY 11365
Telephone: (718) 785-0543
Facsimile: (866) 596-9003
E-Mail: whornlegal@gmail.com

PHILIP D. STERN, ESQ. (PS-2316)
Philip D. Stern & Associates, LLC
697 Valley Street, Suite 2D
Maplewood, NJ 07040-2642
Telephone: (973) 379-7500
Facsimile: (973) 532-0866

*Attorneys for Plaintiffs Joann Gravina,
Anthony Felix, and all others similarly situated*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JOANN GRAVINA, an individual; *et al.*,

Plaintiffs,

vs.

UNITED COLLECTION BUREAU, INC., *et al.*,

Defendants.

CASE NO.: 2:09-cv-04816-LDW-AKT

CERTIFICATE OF SERVICE

I, William F. Horn, Esq., being duly admitted to practice law in the State of New York and the Bar of this Court, hereby affirm under the penalties of perjury that on May 10, 2010, I served the within documents on the Clerk of this Court using the CM/ECF system. I also certify that the foregoing documents are being served this day on all counsel of record and Parties to this action in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

DATED: Fresh Meadows, New York
May 10, 2010

s/ William F. Horn

WILLIAM F. HORN, ESQ. (WH-1070)
Law Office of William F. Horn
188-01B 71st Crescent
Fresh Meadows, NY 11365
Telephone: (718) 785-0543
Facsimile: (866) 596-9003
E-Mail: whornlegal@gmail.com

*One of the Attorneys for Plaintiff-Intervenors
Joann Gravina, Anthony Felix, and all others
similarly situated*